IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

Bail Appl..No. 5852 of 2007()

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CRIME NO. 67/07 OF THIRUNELLY POLICE STATION
CRMP.1135/2007 of DISTRICT COURT, KALPETTA

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PETITIONER/ACCUSED

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SANIL, S/O.KRISHNAN,
AGED 23 YEARS, NAGAMANAVEEDU, ARANAPAPRA,
THIRUNELLY AMSOM.

BY ADV. SRI.K.ANTONY JOSEPH

RESPONDENTS: COMPLAINANT

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THE STATE OF KERALA,
THROUGH THE SUB INSPECTOR OF POLICE,
THIRUNELLY POLICE STATION,
REPRESENTED BY THE PUBLIC PORSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R. BASANT, J.**

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B.A.No. 5852 of 2007

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Dated this the 26th day of September, 2007

**O R D E R**

Application for regular bail. The petitioner faces allegations, inter alia, under Section 376 I.P.C. The crux of the allegations against the petitioner is that he committed rape on an eight year old child, a neighbour of his, who was alone in the house, her parents having gone for work and she having taken ill and having not gone to the school on that day. The incident in detail is narrated in the F.I. statement lodged by the victim when she was at the hospital. The petitioner was arrested on 14.7.2007. Investigation is in progress. Final report has not been filed yet.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. Merely on suspicion such false allegations are raised against the petitioner. He may, in these circumstances, be enlarged on bail, submits the learned counsel.

3. The learned Prosecutor opposes the application. Considering the nature and gravity of the allegations and depravity of the offender, regular bail may not be granted to the petitioner at this stage, submits the Prosecutor.

4. I find merit in the opposition raised by the learned Prosecutor. I am satisfied that the petitioner is not entitled to be enlarged on bail at this stage of investigation. In coming to this conclusion I have taken note of the nature and gravity of the offence alleged, the quantum and quality of materials collected as also the stage of investigation.

5. This application is, in these circumstance, dismissed. But I may hasten to observe that the petitioner shall be at liberty to move the court for bail again at a later stage of the investigation, not at any rate, prior to 10.10.2007. The Investigators shall, in the meantime, make every endeavour to complete the investigation.

**(R. BASANT)**
Judge

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